IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6341 OF 2004

L.K. Pathak Institute of
Technology and Management, Pune. ... Petitioner

V/s

University of Pune. ... Respondent

Mr. A.S. Pratinidhi with Mr. V.D. Borwankar for the petitioner.

Mr. G.S. Kulkarni for the respondents.

CORAM: H.L. GOKHALE &
J.H. BHATIA, JJ.

DATED: 13TH JULY, 2006

P.C.:

1. Heard Mr. Pratinidhi for the petitioner. Mr. Kulkarni appears for the University.

2. The petitioner herein is a management institution and is running various courses for quite some time. It had applied to the respondent university for granting the permission to conduct the Diploma in Taxation Law. As far as the State Government is concerned, it had granted approval to the institution but the Committee

appointed by the University took the view that the Diploma in Taxation Law could not be permitted to be conducted by an institution of management and that it was a subject which could be available only by the Law Faculty. In view of that decision dated 30.1.2004, petitioner's prayer to run the course was turned down.

3. The present petition was filed on 14.6.2004 praying for permission to start the course from the academic year 2004-2005. The matter remained pending in this Court and now is before this Bench. What has happened in the meanwhile is that the University has permitted a Diploma Course in Taxation to be conducted by the faculty of Commerce and Management. In view thereof the University has in fact permitted two other institutions to conduct this course. The University has, therefore, no particular objection to the petitioner conducting this course provided, of course, the Local Inpection Committee of the University looks into the facility available at the petitioner institution and makes a report. We are also informed that the Deputy Registrar of the Education Section of the University has informed the Law Officer of the University on 11.7.2006 that the contents of the course are in process of being finalised and within a week or so the curriculum is expected to be

finalised.

4. The case of the petitioner is that, in fact there was no reason for the Local Inspection Committee to reject the application of the petitioner at the relevant time. In fact Taxation was a subject included in the Commerce faculty only and two other institutions were permitted to conduct the Diploma in Taxation Law. In any case, in view of the Diploma Course in Taxation now being specifically permitted to the Commerce and Management faculty, Mr. Pratinidhi is agreeable that the petitioner will make a fresh formal application within three days i.e. by 17.7.2006. The University will, of course, have to send it to the Local Inspection Committee to inspect the facilities available at the petitioner's institution. We asked Mr. Kulkarni as to within how much time the Committee will normally reply. He informed that if directed by the Court, the Committee can give the report within four weeks. Accordingly we direct the University that the Committee be sent immediately on receiving the application and the Committee should give its report within four weeks thereafter i.e. by 14th August, 2006. An approval from the State Government is required for running a new course. As far as the petitioner institution is

concerned, it was already granted the approval by the State Government to conduct the Diploma in Taxation Law. That approval will be considered as a valid approval for running the present course and, therefore, on that ground the application need not be detained any longer. Therefore, all that is necessary is now the visit of the Inspection Committee and its report. After the Committee gives its report by 14.8.2006, the petitioner institution will be eligible to conduct the course for the year 2006-2007. The admission will however be given only after the report and the University takes the formal decision in accordance with law. Petition stands disposed of. No order as to costs.

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(H.L. Gokhale, J.)

(J.H. Bhatia, J.)